

REMARKS

This is a full and timely response to the non-final Official Action mailed **July 2, 2003** (Paper No. 6). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

By the forgoing amendment, the claims have been amended. Specifically, claims 20-24 have been cancelled, and new claims 30-58 have been added. Claims 25-29 were withdrawn previously under a Restriction Requirement. Thus, claims 1-19 and 30-58 are currently pending for further consideration.

In the outstanding Office Action, the Examiner rejected claims 17, 19 and 20 under 35 U.S.C. § 112, second paragraph. Claim 20 has been cancelled. Claims 17 and 19 have been carefully reviewed in light of the Examiner's comments and amended as necessary. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested.

With regard to the prior art, claims 1-5, 7, 8, 12, 14-17, 20 and 24 were rejected as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,638,649 to Chao ("Chao"); claims 20-23 were rejected as anticipated by U.S. Patent No. 4,982,303 to Krenz; and claims 1-8, 12-18, 20, 21 and 24 were rejected as anticipated by U.S. Patent No. 3,020,743 to Gehrie ("Gehrie"). The other dependent claims were rejected as unpatentable under 35 U.S.C. § 103(a) over the teachings of Chao in combination with a variety of secondary references. To the extent the rejected claims remain pending following this amendment, these rejections are respectfully traversed for at least the following reasons.

Claim 1 recites:

An enclosure securing apparatus comprising:
a lever handle housing disposed in a cover for an opening in an enclosure;
a lever comprising a lever handle pivotably attached to said handle housing;
a cam surface of said lever for selective engagement with said enclosure; and
a lock assembly integrated with said enclosure securing apparatus for locking said enclosure, said lock assembly comprising a moveable shank, said shank, when in a locked position, extending through a first hole in said housing and a second hole in said lever handle.

In contrast, neither Gehrie nor Chao teach or suggest a lock assembly for an enclosure securing apparatus that includes a moveable shank where the shank, when in a locked position, extends through a first hole in a handle housing and second hole in a lever handle.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least this reason, the rejection of claims 1-11 should be reconsidered and withdrawn.

Claim 12 recites:

A holding mechanism comprising:
a lever handle housing for housing a lever handle when said lever handle is in a closed position; and
a lever arm comprising said lever handle attached to the housing, an end of the lever arm opposite said lever handle extending through a hole in said housing;

wherein said lever handle housing comprises at least one deflectable wing extending at said hole in said housing; and

wherein said end of said lever arm comprises at least one protrusion disposed to interfere with said at least one wing such that said lever arm is maintained in an open or closed position by abutments of said at least one protrusion and said at least one wing unless sufficient force is applied to deflect said wing and allow said protrusion to pass by said wing.

In contrast, neither Gehrie nor Chao teach or suggest a lever arm that extends through a hole in a handle housing. Neither Gehrie nor Chao teach or suggest a deflectable wing that extends from a handle housing at a hole in that housing through which a lever extends. Neither Gehrie nor Chao teach or suggest the a protrusion on a lever arm that interferes with such a deflectable wing to maintain the lever in either an open or closed position until sufficient force is applied to deflect the wing and allow the protrusion to pass the wing.

As above, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least these reasons, the rejection of claims 12-19 should be reconsidered and withdrawn.

The newly added claims recite similar subject matter to claims 1 and 12. Consequently, the newly added claims are believed to be drawn to the elected invention that was previously elected under the Restriction Requirement of April 7, 2003. Additionally, the newly added claims are believed to recite patentable subject matter that defines over the prior

art of record on grounds similar to those described above with regard to claims 1 and 12.

Therefore, examination and allowance of the newly added claims is respectfully requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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